

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 749 Session of 2011

INTRODUCED BY DINNIMAN AND FONTANA, MARCH 7, 2011

REFERRED TO TRANSPORTATION, MARCH 7, 2011

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for Commonwealth portion of fines, etc. and for
4 municipal corporation portion of fines, etc.; defining
5 "interactive wireless communication device"; further
6 providing for junior driver's license, for learners' permits
7 and for suspension of operating privilege; prohibiting use of
8 interactive wireless communication device; and further
9 providing for duty of driver in construction and maintenance
10 areas or on highway safety corridors, for duty of driver in
11 emergency response areas, for accident report forms, for
12 department to compile, tabulate and analyze accident reports,
13 for television equipment, for restraint systems and for
14 applicability and uniformity of title.

15 The General Assembly of the Commonwealth of Pennsylvania
16 declares that the part of this act that limits the number of
17 passengers a junior driver may transport in a motor vehicle at
18 one time may be referred to as Lacey's Law in honor of Lacey
19 Gallagher.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Sections 3571(b) and 3573(b) of Title 42 of the
23 Pennsylvania Consolidated Statutes are amended to read:

24 § 3571. Commonwealth portion of fines, etc.

1 * * *

2 (b) Vehicle offenses.--

3 (1) All fines, forfeited recognizances and other
4 forfeitures imposed, lost or forfeited in connection with
5 matters arising under Chapter 77 of Title 75 (relating to
6 snowmobiles) shall unless otherwise provided in Chapter 77 of
7 Title 75 be payable to the Commonwealth.

8 (2) Except as provided in [paragraph (4)] paragraphs (4)
9 and (5), when prosecution under any other provision of Title
10 75 (relating to vehicles) is the result of State Police
11 action, all fines, forfeited recognizances and other
12 forfeitures imposed, lost or forfeited shall be payable to
13 the Commonwealth, for credit to the Motor License Fund. One-
14 half of the revenue shall be paid to municipalities in the
15 same ratio provided in section 4 of the [act of June 1, 1956
16 (P.L.1944, No.655), relating to partial allocation of liquid
17 fuels and fuel use tax proceeds] act of June 1, 1956 (1955
18 P.L.1944, No.655), referred to as the Liquid Fuels Tax
19 Municipal Allocation Law.

20 (3) Except as provided in paragraph (5) and section 3573
21 (relating to municipal corporation portion of fines, etc.),
22 when prosecution under any other provision of Title 75 is the
23 result of local police action, one-half of all fines,
24 forfeited recognizances and other forfeitures imposed, lost
25 or forfeited shall be payable to the Commonwealth, for credit
26 to the Motor License Fund.

27 (4) When prosecution under 75 Pa.C.S. § 3802 (relating
28 to driving under influence of alcohol or controlled
29 substance) is the result of State Police action, 50% of all
30 fines, forfeited recognizances and other forfeitures imposed,

1 lost or forfeited shall be payable to the Commonwealth, for
2 credit to the Motor License Fund, and 50% shall be payable to
3 the county which shall be further divided as follows:

4 (i) Fifty percent of the moneys received shall be
5 allocated to the appropriate county authority which
6 implements the county drug and alcohol program to be used
7 solely for the purposes of aiding programs promoting drug
8 abuse and alcoholism prevention, education, treatment and
9 research.

10 (ii) Fifty percent of the moneys received shall be
11 used for expenditures incurred for county jails, prisons,
12 workhouses and detention centers.

13 (5) When prosecution under 75 Pa.C.S. § 3316 (relating
14 to prohibiting use of interactive wireless communication
15 device) is the result of Pennsylvania State Police action,
16 25% of all revenue from fines shall be paid to municipalities
17 in the same ratio provided in section 4 of the Liquid Fuels
18 Tax Municipal Allocation Law, and 75% of the revenue from the
19 fines shall be allocated and are appropriated on a continuing
20 basis to the Department of Transportation for Statewide
21 public education and awareness programs to combat distracted
22 driving and driving under the influence and promote awareness
23 under 75 Pa.C.S. § 3316(f).

24 * * *

25 § 3573. Municipal corporation portion of fines, etc.

26 * * *

27 (b) Vehicle offenses.--

28 (1) When prosecution under the provisions of Title 75
29 (relating to vehicles) for parking is the result of local
30 police action, all fines, forfeited recognizances and other

1 forfeitures imposed, lost or forfeited shall be payable to
2 the municipal corporation under which the local police are
3 organized.

4 (2) Except as provided in [paragraph (3)] paragraphs (3)
5 and (4), when prosecution under any other provision of Title
6 75 (except Chapter 77 (relating to snowmobiles)) is the
7 result of local police action, one-half of all fines,
8 forfeited recognizances and other forfeitures imposed, lost
9 or forfeited shall be payable to the municipal corporation
10 under which the local police are organized.

11 (3) When prosecution under 75 Pa.C.S. § 3802 (relating
12 to driving under influence of alcohol or controlled
13 substance) is the result of local police action, 50% of all
14 fines, forfeited recognizances and other forfeitures imposed,
15 lost or forfeited shall be payable to the municipal
16 corporation under which the local police are organized, and
17 50% shall be payable to the county which shall be further
18 divided as follows:

19 (i) Fifty percent of the moneys received shall be
20 allocated to the appropriate county authority which
21 implements the county drug and alcohol program to be used
22 solely for the purposes of aiding programs promoting drug
23 abuse and alcoholism prevention, education, treatment and
24 research.

25 (ii) Fifty percent of the moneys received shall be
26 used for expenditures incurred for county jails, prisons,
27 workhouses and detention centers.

28 (4) When prosecution under 75 Pa.C.S. § 3316 (relating
29 to prohibiting use of interactive wireless communication
30 device) is the result of local police action, 25% of all

1 revenue from fines shall be payable to the municipal
2 corporation under which the local police are organized, and
3 75% shall be payable and is appropriated on a continuing
4 basis to the Department of Transportation for Statewide
5 public education and awareness programs to combat driving
6 under the influence and distracted driving as established by
7 75 Pa.C.S. § 3316(f).

8 * * *

9 Section 3. Section 102 of Title 75 is amended by adding a
10 definition to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

18 "Interactive wireless communication device." A wireless
19 telephone, personal digital assistant, smart phone, portable or
20 mobile computer, or similar device which can be used for voice
21 communication, texting, e-mailing, browsing the Internet or
22 instant messaging. The term does not include a device being used
23 exclusively as a global positioning or navigation system or a
24 system or device that is physically or electronically integrated
25 into the vehicle.

26 * * *

27 Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75
28 are amended to read:

29 § 1503. Persons ineligible for licensing; license issuance to
30 minors; junior driver's license.

1 * * *

2 (c) Junior driver's license.--The department may issue a
3 junior driver's license to a person 16 or 17 years of age under
4 rules and regulations adopted by the department and subject to
5 the provisions of this section. A junior driver's license shall
6 automatically become a regular driver's license when the junior
7 driver attains 18 years of age.

8 (1) Except as provided in paragraph (2), no licensed
9 junior driver shall drive a vehicle upon a public highway
10 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
11 years of age or older, a parent or a person in loco parentis.

12 (2) A licensed junior driver conforming to the
13 requirements of section 1507 (relating to application for
14 driver's license or learner's permit by minor) may drive a
15 vehicle upon a public highway between 11 p.m. and 5 a.m.
16 between the junior driver's home and activity or employment
17 or in the course of the junior driver's activity or
18 employment if the junior driver is a member of a volunteer
19 fire company authorized by the fire chief to engage in
20 fighting fires, is engaged in public or charitable service or
21 is employed and is carrying an affidavit or certificate of
22 authorization signed by the junior driver's fire chief,
23 supervisor or employer indicating the probable schedule of
24 the junior driver's activities. Upon termination of the
25 junior driver's activity or employment, the junior driver
26 shall surrender the affidavit or certificate to the fire
27 chief, supervisor or employer. If the junior driver shall
28 fail to surrender the affidavit or certificate, the employer,
29 fire chief or supervisor shall immediately notify the
30 Pennsylvania State Police.

1 (2.1) Except as set forth in paragraph (2.2), a junior
2 driver may not drive a vehicle with more than one passenger
3 under 18 years of age.

4 (2.2) With parental or in loco parentis approval, a
5 junior driver may drive a vehicle with passengers who are
6 siblings or relatives who live in the same dwelling as the
7 junior driver.

8 (3) In addition to the other provisions of this title
9 relating to the suspension or revocation of operating
10 privileges, in the event that a licensed junior driver is
11 involved in an accident reportable under section 3746(a) for
12 which the junior driver is partially or fully responsible in
13 the opinion of the department or is convicted of any
14 violation of this title, the department may suspend the
15 operating privileges of the junior driver until the junior
16 driver attains 18 years of age or for a period of time not
17 exceeding 90 days.

18 (4) Any junior driver or other person violating any
19 provision of this subsection is guilty of a summary offense.
20 § 1505. Learners' permits.

21 * * *

22 (e) Authorization to test for driver's license and junior
23 driver's license.--A person with a learner's permit is
24 authorized to take the examination for a regular or junior
25 driver's license for the class of vehicle for which a permit is
26 held. Before a person under the age of 18 years may take the
27 examination for a junior driver's license, the minor must:

28 (1) Have held a learner's permit for that class of
29 vehicle for a period of six months.

30 (2) Present to the department a certification form

1 signed by the father, mother, guardian, person in loco
2 parentis or spouse of a married minor stating that the minor
3 applicant has completed [50] 65 hours of practical driving
4 experience, including no less than ten hours of nighttime
5 driving and five hours of inclement weather driving,
6 accompanied as required under subsection (b). Submission of a
7 certification shall not subject the parent, guardian, person
8 in loco parentis or spouse of a married minor to any
9 liability based upon the certification.

10 (3) Have the certification form completed when the minor
11 is ready for the licensing examination. The certification
12 form shall be developed by the department and will be
13 provided by the department when the original application for
14 a learner's permit is processed. The department will make
15 this form readily available through the mail or electronic
16 means.

17 * * *

18 § 1538. School, examination or hearing on accumulation of
19 points or excessive speeding.

20 * * *

21 (e) Additional suspension of operating privilege.--

22 (1) In addition to any other provisions of law relating
23 to the suspension or revocation of operating privileges, a
24 person's operating privileges shall be suspended under any of
25 the following circumstances:

26 (i) Prior to reaching age 18, the person violates
27 section 3362 (relating to maximum speed limits) by
28 traveling 26 miles per hour or more over the posted speed
29 limit and the violation results in a conviction, guilty
30 plea or plea of no contest before or after the person

reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension imposed under paragraph (1). A suspension under this paragraph shall be in lieu of a suspension under subsection (d)(1).

Section 4. Title 75 is amended by adding a section to read:
§ 3316. Prohibiting use of interactive wireless communication device.

(a) Driver restrictions.--

(1) No person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communication device for a purpose other than:

(i) voice communication through the use of an interactive wireless communications device while in hands-free mode;

(ii) reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of voice communication; or

(iii) utilizing a global positioning or navigation

1 system.

2 (2) No person with a learner's permit or junior driver's
3 license shall drive a motor vehicle upon a roadway or
4 trafficway in this Commonwealth while using an interactive
5 wireless communication device.

6 (b) Exceptions.--This section shall not apply to:

7 (1) A driver using an interactive wireless communication
8 device to contact a 911 system or wireless E-911 service, as
9 defined in the act of July 9, 1990 (P.L.340, No.78), known as
10 the Public Safety Emergency Telephone Act.

11 (2) A driver using an interactive wireless communication
12 device when the vehicle is stopped due to a traffic
13 obstruction and the motor vehicle transmission is in neutral
14 or park.

15 (3) Operators of emergency vehicles who use an
16 interactive wireless communications device for voice
17 communication for the purpose of responding to an emergency
18 while engaged in the performance of their official duties.

19 (4) Volunteer emergency responders who use an
20 interactive wireless communications device for voice
21 communication for the purpose of responding to an emergency
22 while engaged in the performance of their official duties.

23 (c) Seizure.--The provisions of this section shall not be
24 construed as authorizing the seizure or forfeiture of an
25 interactive wireless communication device.

26 (d) Penalty.--

27 (1) A person who violates subsection (a) commits a
28 summary offense and shall, upon conviction, be sentenced to
29 pay a fine of \$50.

30 (2) A person who violates subsection (a) while passing

1 through a school zone, as defined and provided under the
2 regulations of the department, commits a summary offense and
3 shall, upon conviction, be sentenced to pay a fine of \$100.
4 An official traffic-control device shall indicate the
5 beginning and end of each school zone to traffic approaching
6 in each direction. Establishment of a school zone, including
7 its location and hours of operation, shall be approved by the
8 department.

9 (e) Public education and awareness program.--The department
10 shall develop and maintain Statewide public education and
11 awareness programs to combat distracted driving and driving
12 under the influence and promote awareness of the provisions of
13 this section subject to available funding.

14 (f) Guidelines.--The department shall, in consultation with
15 the Department of Education and the Pennsylvania State Police,
16 promulgate guidelines for the implementation of subsection (e)
17 within six months of the effective date of this section.

18 (g) Insurance.--An insurer may not charge an insured who has
19 been convicted under this section a higher premium for a policy
20 of insurance in whole or in part by reason of that conviction.

21 (h) Department to compile report.--The department shall
22 annually compile and make available to the Transportation
23 Committee of the Senate and the Transportation Committee of the
24 House of Representatives a report detailing the public education
25 efforts to combat distracted driving and driving under the
26 influence and promote awareness of the provisions of this
27 section.

28 (i) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

1 "Hands-free mode." The use of an interactive wireless
2 communications device that allows the user to engage in
3 communication without the use of either hand by means of an
4 internal feature or function or an attachment or device.

5 "Volunteer emergency responder." Any of the following:

6 (1) A member of a volunteer ambulance service as defined
7 in section 102 of the act of July 31, 2003 (P.L.73, No.17),
8 known as the Volunteer Fire Company and Volunteer Ambulance
9 Service Grant Act.

10 (2) A member of a volunteer fire company as defined in
11 section 102 of the Volunteer Fire Company and Volunteer
12 Ambulance Service Grant Act.

13 (3) A member of a volunteer rescue company as defined in
14 section 102 of the Volunteer Fire Company and Volunteer
15 Ambulance Service Grant Act.

16 Section 5. Sections 3326(c), 3327(e) and 3752(a) of Title 75
17 are amended to read:

18 § 3326. Duty of driver in construction and maintenance areas or
19 on highway safety corridors.

20 * * *

21 (c) Fines to be doubled.--For any of the following
22 violations, when committed in an active work zone manned by
23 workers acting in their official capacity or on a highway safety
24 corridor designated under section 6105.1 (relating to
25 designation of highway safety corridors), the fine shall be
26 double the usual amount:

27 Section 3102 (relating to obedience to authorized persons
28 directing traffic).

29 Section 3111 (relating to obedience to traffic-control
30 devices).

1 Section 3112 (relating to traffic-control signals).
2 Section 3114 (relating to flashing signals).
3 Section 3302 (relating to meeting vehicle proceeding in
4 opposite direction).

5 Section 3303 (relating to overtaking vehicle on the
6 left).

7 Section 3304 (relating to overtaking vehicle on the
8 right).

9 Section 3305 (relating to limitations on overtaking on
10 the left).

11 Section 3306 (relating to limitations on driving on left
12 side of roadway).

13 Section 3307 (relating to no-passing zones).

14 Section 3309 (relating to driving on roadways laned for
15 traffic).

16 Section 3310 (relating to following too closely).

17 Section 3316(a) (relating to prohibiting use of
18 interactive wireless communication device).

19 Section 3323 (relating to stop signs and yield signs).

20 Section 3326 (relating to duty of driver in construction
21 and maintenance areas or on highway safety corridors).

22 Section 3361 (relating to driving vehicle at safe speed).

23 Section 3362 (relating to maximum speed limits).

24 Section 3702 (relating to limitations on backing).

25 Section 3714 (relating to careless driving).

26 Section 3736 (relating to reckless driving).

27 Section 3802 (relating to driving under influence of
28 alcohol or controlled substance).

29 * * *

30 § 3327. Duty of driver in emergency response areas.

1 * * *

2 (e) Fines to be doubled.--In addition to any penalty as
3 provided in subsection (b), the fine for any of the following
4 violations when committed in an emergency response area manned
5 by emergency service responders shall be double the usual
6 amount:

7 Section 3102 (relating to obedience to authorized persons
8 directing traffic).

9 Section 3111 (relating to obedience to traffic-control
10 devices).

11 Section 3114 (relating to flashing signals).

12 Section 3302 (relating to meeting vehicle proceeding in
13 opposite direction).

14 Section 3303 (relating to overtaking vehicle on the
15 left).

16 Section 3304 (relating to overtaking vehicle on the
17 right).

18 Section 3305 (relating to limitations on overtaking on
19 the left).

20 Section 3306 (relating to limitations on driving on left
21 side of roadway).

22 Section 3307 (relating to no-passing zones).

23 Section 3310 (relating to following too closely).

24 Section 3312 (relating to limited access highway
25 entrances and exits).

26 Section 3316(a) (relating to prohibiting use of
27 interactive wireless communication device).

28 Section 3323 (relating to stop signs and yield signs).

29 Section 3325 (relating to duty of driver on approach of
30 emergency vehicle).

1 Section 3361 (relating to driving vehicle at safe speed).

2 Section 3707 (relating to driving or stopping close to
3 fire apparatus).

4 Section 3710 (relating to stopping at intersection or
5 crossing to prevent obstruction).

6 Section 3714 (relating to careless driving).

7 Section 3736 (relating to reckless driving).

8 Section 3802 (relating to driving under influence of
9 alcohol or controlled substance).

10 * * *

11 § 3752. Accident report forms.

12 (a) Form and content.--The department shall prepare and upon
13 request supply to all law enforcement agencies and other
14 appropriate agencies or individuals, forms for written accident
15 reports as required in this subchapter suitable with respect to
16 the persons required to make the reports and the purposes to be
17 served. The written report forms shall call for sufficiently
18 detailed information to disclose with reference to a vehicle
19 accident the cause, conditions then existing and the persons and
20 vehicles involved, including whether the driver of the vehicle
21 was using an interactive wireless communication device when the
22 accident occurred, and such other information as the department
23 may require. Reports for use by the drivers and owners shall
24 also provide for information relating to financial
25 responsibility.

26 * * *

27 Section 6. Section 3753 of Title 75 is amended by adding a
28 subsection to read:

29 § 3753. Department to compile, tabulate and analyze accident
30 reports.

1 * * *

2 (b.1) Report on interactive wireless communications
3 devices.--The department shall annually compile and make
4 available to the public information submitted on an accident
5 report concerning interactive wireless communications devices in
6 motor vehicles involved in traffic accidents. The report shall
7 note whether the driver of the motor vehicle was using an
8 interactive wireless communications device when the accident
9 occurred. The data shall be included in a report submitted to
10 the Transportation Committee of the Senate and the
11 Transportation Committee of the House of Representatives.

12 * * *

13 Section 7. Sections 4527, 4581(a) and (b) and 6101 of Title
14 75 are amended to read:

15 § 4527. [Television] Video receiving equipment.

16 (a) General rule.--[No] Except as provided in subsection
17 (c), no person shall drive a motor vehicle [operated on a
18 highway shall be] equipped with [television-type] any image
19 display device, video receiving equipment, including a receiver,
20 a video monitor or a television or video screen capable of
21 displaying a television broadcast or video signal that produces
22 entertainment or business applications or similar equipment
23 which is located in the motor vehicle at any point forward of
24 the back of the driver's seat [or otherwise], or which is
25 visible, directly or indirectly, to the driver while operating
26 the motor vehicle.

27 (a.1) Except as provided in subsection (b), no person may
28 install in a motor vehicle an image display device intended to
29 be visible to a driver in the normal driving position when the
30 vehicle is in motion and when restrained by the safety seat belt

1 system adjusted in accordance with the manufacturer's
2 recommendations.

3 (b) Exception.--This section shall not apply to the
4 following:

5 (1) [Television-type receiving equipment] Image display
6 devices in a vehicle used exclusively for safety or law
7 enforcement purposes as approved by the Pennsylvania State
8 Police.

9 (2) [Electronic displays] Image display devices used in
10 conjunction with in-vehicle navigation systems, related
11 traffic, road and weather information.

12 (3) Image display devices that provide vehicle
13 information related to the driving task or to enhance or
14 supplement the driver's view forward, behind or to the sides
15 of the motor vehicle or permit the driver to monitor vehicle
16 occupants behind the driver.

17 (4) Image display devices that do not display images to
18 the driver while the vehicle is in motion.

19 (5) Image display devices which display an image while a
20 vehicle is parked.

21 (c) Definitions.--As used in this section, the term "image
22 display device" means equipment capable of displaying to the
23 driver of the motor vehicle:

24 (1) a broadcast television image; or

25 (2) a visual image, other than text, from a digital
26 video disc or other storage device.

27 § 4581. Restraint systems.

28 (a) Occupant protection.--

29 (1) Any person who is operating a passenger car, Class I
30 truck, Class II truck, classic motor vehicle, antique motor

1 vehicle or motor home and who transports a child under four
2 years of age anywhere in the motor vehicle, including the
3 cargo area, shall fasten such child securely in a child
4 passenger restraint system, as defined in subsection (d).
5 This subsection shall apply to all persons while they are
6 operators of motor vehicles where a seating position is
7 available which is equipped with a seat safety belt or other
8 means to secure the systems or where the seating position was
9 originally equipped with seat safety belts.

10 (1.1) Any person who is operating a passenger car, Class
11 I truck, Class II truck, classic motor vehicle, antique motor
12 vehicle or motor home and who transports a child four years
13 of age or older but under eight years of age anywhere in the
14 motor vehicle, including the cargo area, shall fasten such
15 child securely in a fastened safety seat belt system and in
16 an appropriately fitting child booster seat, as defined in
17 subsection (d). This paragraph shall apply to all persons
18 while they are operators of motor vehicles where a seating
19 position is available which is equipped with a seat safety
20 belt or other means to secure the systems or where the
21 seating position was originally equipped with seat safety
22 belts. [A conviction under this paragraph by State or local
23 law enforcement agencies shall occur only as a secondary
24 action when a driver of a motor vehicle has been convicted of
25 violating any other provision of this title.]

26 (2) [Except for children under eight years of age and
27 except as provided in paragraphs (1) and (1.1), each]

28 (i) The driver [and front seat occupant] of a
29 passenger car, Class I truck, Class II truck or motor
30 home operated in this Commonwealth shall [wear] secure or

1 cause to be secured in a properly adjusted and fastened
2 safety seat belt system the driver and every vehicle
3 occupant between eight years of age and 18 years of age.

4 [A conviction under this paragraph by State or local law
5 enforcement agencies shall occur only as a secondary
6 action when a driver of a motor vehicle has been
7 convicted of any other provision of this title. The
8 driver of a passenger automobile shall secure or cause to
9 be secured in a properly adjusted and fastened safety
10 seat belt system any occupant who is eight years of age
11 or older and less than 18 years of age.]

12 (ii) Except for children under 18 years of age and
13 except as provided in paragraphs (1) and (1.1) and
14 subparagraph (i), each driver and front seat occupant of
15 a passenger car, Class I truck, Class II truck, classic
16 motor vehicle, antique motor vehicle or motor home
17 operated in this Commonwealth shall wear a properly
18 adjusted and fastened safety seat belt system.

19 (iii) This paragraph shall not apply to:

20 [(i)] (A) A driver or front seat occupant of any
21 vehicle manufactured before July 1, 1966.

22 [(ii)] (B) A driver or front seat occupant who
23 possesses a written verification from a physician
24 that he is unable to wear a safety seat belt system
25 for physical or medical reasons, or from a
26 psychiatrist or other specialist qualified to make an
27 informed judgment that he is unable to wear a safety
28 seat belt system for psychological reasons.

29 [(iii)] (C) A rural letter carrier while
30 operating any motor vehicle during the performance of

1 his duties as a United States postal service rural
2 letter carrier only between the first and last
3 delivery points.

4 [(iv)] (D) A driver who makes frequent stops and
5 is traveling less than 15 miles per hour for the
6 purpose of delivering goods or services while in the
7 performance of his duties and only between the first
8 and last delivery points.

9 A violation of this paragraph shall not be subject to the
10 assessment of any points under section 1535 (relating to
11 schedule of convictions and points).

12 (3) A driver who is under 18 years of age may not
13 operate a motor vehicle in which the number of passengers
14 exceeds the number of available safety seat belts in the
15 vehicle.

16 (b) Offense.--Anyone who fails to comply with the provisions
17 of subsection (a)(1) or (1.1) shall be guilty of a summary
18 offense with a maximum fine of \$100. The court imposing and
19 collecting any such fines shall transfer the fines thus
20 collected to the State Treasurer for deposit in the Child
21 Passenger Restraint Fund, pursuant to section 4582 (relating to
22 Child Passenger Restraint Fund). Anyone who violates subsection
23 (a)(2) or (3) commits a summary offense and shall, upon
24 conviction, be sentenced to pay a fine of \$10. No person shall
25 be convicted of a violation of subsection (a)(2) or (3) unless
26 the person is also convicted of another violation of this title
27 which occurred at the same time. No costs as described in 42
28 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
29 summary conviction of subsection (a)(2) or (3). Conviction under
30 this subsection shall not constitute a moving violation.

1 * * *

2 § 6101. Applicability and uniformity of title.

3 The provisions of this title shall be applicable and uniform
4 throughout this Commonwealth and in all political subdivisions
5 in this Commonwealth, and no local authority shall enact or
6 enforce any ordinance on a matter covered by the provisions of
7 this title unless expressly authorized. A person charged with
8 violating an ordinance determined to be enacted or enforced in
9 violation of this section shall be awarded court costs and
10 attorney fees incurred as a result of defending against the
11 charge.

12 Section 8. This act shall take effect in 60 days.